



UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Gary C. Gitto

Application No.: 09/911,259 Filed Date: July 23, 2001

Confirmation No.: 4377 Group: 1745 Examiner: Mark Ruthkosky

For: Flame-Retardant Battery Casing

CERTIFICATE OF MAILING	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450	
on <u>August 11, 2004</u> Date	<u>Mary P. McDERMOTT</u> Signature
<u>MARY P. McDERMOTT</u> Typed or printed name of person signing certificate	

Amendment and Fee Transmittal

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Transmitted herewith is an Amendment for filing in the above-identified application.

- [X] Small entity status of this application under 37 C.F.R. 1.9 and 1.27 has been established by a Small Entity Statement previously submitted.
- [] A Small Entity Statement to establish small entity status under 37 C.F.R. 1.9 and 1.27 is enclosed.

The fee has been calculated as shown below:

(COL. 1)		(COL. 2)		(COL. 3)	SMALL ENTITY		OR	OTHER THAN SMALL ENTITY	
	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE	ADDIT. FEE		RATE	ADDIT. FEE
TOTAL	41	MINUS	*41	0	X \$9	\$ 0	X	\$18	\$
INDEP	4	MINUS	**4	0	X \$43	\$ 0	X	\$86	\$
FIRST PRESENTATION OF MULTIPLE DEP. CLAIM					+ \$145	\$	+	\$290	\$
					TOTAL =	\$ 0	TOTAL =	\$	0

* not fewer than 20

** not fewer than 3

Please charge Deposit Account No. 50-1935 for the following fees:

<input type="checkbox"/>	Petition for [] month Extension of Time	\$	
<input type="checkbox"/>	Amendment Fee		\$	
<input type="checkbox"/>	Other Fees:		\$	
			\$	
			\$	
		TOTAL:	\$	0

A check is enclosed in payment of the following fees:

<input checked="" type="checkbox"/>	Petition for four months Extension of Time	\$	740.00
<input type="checkbox"/>	Amendment Fee	\$	
<input checked="" type="checkbox"/>	Other Fees:		
	<u>Request for Continued Examination</u>	\$	385.00
		\$	
		TOTAL:	\$ 1,125.00

[X] A general authorization is hereby granted to charge Deposit Account No. 50-1935 for any fees required under 37 C.F.R. 1.16 and 1.17 in order to maintain pendency of this application. A copy of this authorization is enclosed for accounting purposes.

Respectfully submitted,

BOWDITCH & DEWEY, LLP

By Thomas G. Hoover
Thomas G. Hoover
Date: August 11, 2004
Registration No.: 32,470
Direct tel.: (508) 416-2475
Telephone: (508) 879-5700
Facsimile: (508) 929-3073

Bowditch & Dewey, LLP
161 Worcester Road
P.O. Box 9320
Framingham, Massachusetts 01701-9320

BOWDITCH & DEWEY, LLP

AUG 13 2004

REQUEST
FORCONTINUED EXAMINATION (RCE)
TRANSMITTAL

Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000, provides for continued examination of a utility or plant application filed on or after June 8, 1995.

See The American Inventors Protection Act of 1999 (AIPA)

Application Number	09/911,259
Filing Date	July 23, 2001
First Named Inventor	Gary C. Gitto
Confirmation Number	4377
Group Art Unit	1745
Examiner Name	Mark Ruthkosky
Attorney Docket Number	071668.1001-108

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

Note: 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53(d) (PTO/SB/29) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See Changes to Application Examination and Provisional Application Practice, Final Rule, 65 Fed. Reg. 50092 (Aug. 16, 2000); Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practice.

1. Submission required under 37 C.F.R. § 1.114

- a. ☐ Previously submitted
- i. ☐ Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on [].
- ii. ☐ Consider the arguments in the Appeal Brief or Reply previously filed on [].
- iii. ☐ Other - [].
- b. ☒ Enclosed
- i. ☒ Amendment/Reply
- ii. ☐ Affidavit(s)/Declaration(s)
- iii. ☐ Information Disclosure Statement (IDS)
- iv. ☐ Other - [].

2. Miscellaneous

- a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of [] months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(1) required)
- b. ☐ Other - [].

3. Fees The RCE fee under 37 CFR § 1.17(e) is required by 37 CFR § 1.14 when the RCE is filed. A copy is enclosed for accounting purposes

- a. ☒ A check is enclosed for the following fees in the amount of \$1,125.00.
- OR
- ☐ Authorization is granted to charge the following fees to Deposit Account No. 50-1935.
- document is enclosed for accounting purposes
- b. i. ☒ RCE fee required under 37 C.F.R. § 1.17(e)
- ii. ☒ Extension of time fee (37 C.F.R. §§ 1.136 and 1.17)
- iii. ☐ Amendment Fee
- iv. ☐ Other - [].
- c. ☒ Authorization is hereby granted to charge any insufficiency in fees or credit any overpayments to Deposit Account No. 50-1935

08/16/2004 CNGUYEN 00000066 09911259

02 FC:2801

385.00

SIGNATURE OF APPLICANT, ATTORNEY OR AGENT REQUIRED

Name (Print/Type)	Thomas O. Hoover	Registration No. (Attorney/Agent)	32,470
Signature	<i>Thomas O. Hoover</i>	Date	<i>August 14, 2004</i>

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner For Patents, Mail Stop RCE, P.O. Box 1450, Alexandria, VA 22313-1450, or facsimile transmitted to the U.S. Patent and Trademark Office on:

Name (Print/Type)	MARY P. McDERMOTT	Date	August 11, 2004
Signature	<i>Mary P. McDermott</i>		



PATENT APPLICATION
Docket No.: 071668.1001-108

UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Gary C. Gitto

Application No.: 09/911,259 Filed Date: July 23, 2001

Confirmation No.: 4377 Group: 1745 Examiner: Mark Ruthkosky

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on <u>August 11, 2004</u>	<u>Mary P. McDermott</u>
Date	Signature
<u>MARY P. McDERMOTT</u>	
Typed or printed name of person signing certificate	

AMENDMENT UNDER 37 CFR 1.114

REQUEST FOR CONTINUED EXAMINATION (RCE)

Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This Amendment is being filed in response to the Office Action ("the Office Action") made final and mailed from the U.S. Patent and Trademark Office (USPTO) on August 8, 2003 in the above-identified application. In lieu of filing a Brief on Appeal in reply to the Notice of Appeal received in the USPTO on February 11, 2004, Applicants' Attorney is filing a Request for Continued Examination (RCE). Reconsideration and further examination are requested.

An extension to respond to the Office Action is respectfully requested. A Petition for Extension of time to respond to the Office Action and the appropriate fee are being filed concurrently with this Amendment and Response. Authorization is given to charge any additional fees due for this submission to Deposit Account No. 50-1935.

The listing of claims begins on page 2.

Remarks begin on page 8.